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COMPLETED 32 ORIGINAL

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT OF 1986

JUNE 19, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DE LA GARZA, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 2436]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 2436) to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such development and plan, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Nutrition Monitoring and Related Research Act of 1986".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) make more effective use of Federal and State expenditures for nutrition monitoring, and enhance the performance and benefits of current Federal nutrition monitoring and related research activities;

(2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program, and thereby provide a scientific basis for the maintenance and improvement of the nutritional status of the people of the United States and the nutritional quality of the United States food supply;

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(3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess, on a continuing basis, the dietary and nutritional status of the people of the United States and the trends with respect to such status, the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and the relevant policy implications;

(4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring;

(5) establish a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities;

(6) establish mechanisms for addressing the nutrition monitoring needs of Federal, State, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and

(7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "nutrition monitoring and related research" means the set of activities necessary to provide timely information about the role and status of factors that bear on the contribution that nutrition makes to the health of the people of the United States, including (A) dietary, nutritional, and health status measurements, (B) food consumption measurements, (C) food composition measurements and nutrient data banks, (D) dietary knowledge and attitude measurements, and (E) food supply and demand determinations;

(2) the term "coordinated program" means the National Nutrition Monitoring and Related Research Program established by section 101(a);

(3) the terms "Interagency Board for Nutrition Monitoring and Related Research" and "Board" mean the Federal coordinating body established by section 101(c);

(4) the term "comprehensive plan" means the comprehensive plan prepared under section 103;

(5) the term "Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System" means the plan of that title submitted to Congress in September 1981 by the Department of Agriculture and the Department of Health and Human Services, under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178);

(6) the terms "National Nutrition Monitoring Advisory Council" and "Council" mean the advisory body established under section 201;

(7) the term "Secretaries" means the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly; and

(8) the term "local government" means a local general unit of government or local educational unit.

TITLE I—NUTRITION MONITORING AND RELATED RESEARCH

ESTABLISHMENT OF THE COORDINATED PROGRAM

SEC. 101. (a) There is hereby established a ten-year coordinated program, to be known as the National Nutrition Monitoring and Related Research Program, to carry out the purposes of this Act.

(b) The Secretaries shall be responsible for the implementation of the coordinated program.

(c) To assist in implementing the coordinated program, there is hereby established an Interagency Board for Nutrition Monitoring and Related Research, of which an Assistant Secretary in the Department of Agriculture (designated by the Secretary of Agriculture) and an Assistant Secretary in the Department of Health and Human Services (designated by the Secretary of Health and Human Services) shall be joint chairpersons. The remaining membership of the Board shall consist of additional representatives of Federal agencies, as deemed appropriate by the joint chairpersons of the Board. The Board shall meet no less often than once every three months.

(d) To establish a central focus and coordinator for the coordinated program, the Secretaries may appoint a full-time Administrator of Nutrition Monitoring and Related Research. The Administrator shall—

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(1) be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of his or her established record of expertise and distinguished service; and

(2) administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

FUNCTIONS OF THE SECRETARIES

SEC. 102. (a) The Secretaries, with the advice of the Board, shall—

(1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program;

(2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program;

(3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under section 102;

(4) include in the coordinated program and the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct, by Federal and non-Federal entities on an appropriate matching funds basis, of research (including research described in section 103(a)(3)) that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status;

(5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the provisions of this Act, to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services (including activities described in sections 103(a)(5) and 103(b)(9));

(6) include in the coordinated program an annual interagency budget for each fiscal year of the program;

(7) foster productive interaction, with respect to nutrition monitoring and related research, among Federal efforts, State and local governments, the private sector, scientific communities, health professionals, and the public;

(8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish every two years, or more frequently if appropriate, a report, on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality of the national food supply; and

(9)(A) foster cost recovery management techniques in the coordinated program, and (B) impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no such charge or fee imposed on an educational or other nonprofit organization shall exceed the actual costs incurred by the coordinated program in providing the publications involved).

(b) The Secretaries shall submit to the President for transmittal to Congress by January 15 of each year an annual report that shall—

(1) evaluate the progress of the coordinated program;

(2) summarize the results of such coordinated program components as are developed under section 103;

(3) analyze the dietary, nutritional, and related health status of the people of the United States, the nutritional quality of the national food supply, the relevant policy implications of the analytical findings, and future nutrition monitoring and related research priorities;

(4) include in full the annual report of the Council provided for in section 202; and

(5) include an executive summary of the report most recently published by the scientific body as provided for in subsection (a)(8).

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DEVELOPMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

SEC. 103. (a) The Secretaries, with the advice of the Board, shall prepare and implement a comprehensive plan for the coordinated program, which shall be designed to—

(1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States, and the trends with respect to such status (dealing with such status and trends separately in the case of preschool and school-age children, pregnant and lactating women, elderly individuals, low income populations, Blacks, Hispanics, and other minorities, as appropriate), the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and relevant policy implications of findings with respect to such status, trends, and research;

(2) assess, analyze, and report, on a continuous basis, for a representative sample of the low income population, food and household expenditures, participation in food assistance programs, and periods experienced when resources were not sufficient to provide an adequate diet;

(3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance;

(4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources, as required;

(5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and

(6) focus the activities of the Federal agencies.

(b) The comprehensive plan, at a minimum, shall include components to—

(1) maintain and coordinate the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);

(2) provide, by 1990, for the continuous collection, processing, and analysis of nutritional and dietary status data through a stratified probability sample of the people of the United States designed to permit statistically reliable estimates of high-risk groups and geopolitical and geographic areas, and to permit accelerated data analysis (including annual analysis, as appropriate);

(3) maintain and enhance other Federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study, and, to the extent possible, coordinate such efforts with the surveys described in paragraphs (1) and (2);

(4) incorporate, in survey design, military and (where appropriate) institutionalized populations;

(5) complete the analysis and interpretation of the data sets from the surveys described in paragraph (2) collected prior to 1984 within the first year of the comprehensive plan;

(6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends;

(7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status, for relating food consumption patterns to nutritional and health status, and for use in the evaluation of Federal food and nutrition intervention programs;

(8) establish national baseline data and procedures for nutrition monitoring;

(9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of obtaining dietarty and nutritional status data and developing related data bases and networks to promote the development of regional, State, and local data collection services to become an integral component of a national nutritional status network;

(10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan and contribute relevant data from non-Federal sources to promote the development of a national nutritional status network;

(11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research;

(12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board;

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(13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, outcomes, and resources, and define the organization and management of the Board and the Council; and

(14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by State and local governments, the private sector, scientific communities, and health care professionals, and that facilitates coordina ion with non-Federal activities.

(c) The comprehensive plan shall allocate all of the projected functions and activities under the coordinated program among the various Federal agencies and offices that will be involved, and shall contain an affirmative statement and discription of the functions to be performed and activities to be undertaken by each of such agencies and offices in carrying out the coordinated programs.

(d) The comprehensive plan shall—

(1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of this Act;

(2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register;

(3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and

(4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program.

(e) Nothing in this section may be construed as modifying, or as authorizing the Secretaries or the comprehensive plan to modify, and provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) that specifies (1) the department or agency to which funds are appropriated, or (2) the obligations of such department or agency with respect to the use of such funds.

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

SEC. 104. (a) The comprehensive plan shall be carried out during the period ending with the close of the ninth fiscal year following the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3), and shall be—

(1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraph (1) through (11) of section 103(b);

(2) managed in accord with paragraphs (12) through (14) of section 103(b);

(3) carried out, by the Federal agencies involved, in accord with the allocation of functions and activities under section 103(c); and

(4) funded by appropriations made to such agencies as described in section 106, for each fiscal year of the program. Congress through its appropriate authorizing committees shall exercise continuing oversight over the coordinated program, taking into account the Secretaries' annual reports and such other information and data as may be developed.

(b) Nothing in this title may be deemed to grant any new regulatory authority or to limit, expend, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

SCIENTIFIC RESEARCH AND DEVELOPMENT IN SUPPORT OF THE COORDINATED PROGRAM AND COMPREHENSIVE PLAN

SEC. 105. The Secretaries shall provide for and coordinate the conduct, by the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, and other suitable Federal agencies, of such scientific research and development as may be necessary or appropriate in support of the coordinated program and the comprehensive plan and in furtherance of the purposes and objectives of this Act.

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AUTHORIZATIONS AND APPROPRIATIONS

SEC. 106. (a) Authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under section 103(d)(3) and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c), in a separate line item of the budget for the agency involved and consistent with the interagency budget for the coordinated program; and to the maximum extent feasible such appropriations shall be provided on a three-year basis, subject to annual authorization Acts hereafter enacted.

(b) Nothing in this title is intended either (1) to authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program, or (2) to limit the authority of any of the participating agencies to request and receive funds for those purposes (for use in the coordinated program) under other laws.

TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

ESTABLISHMENT OF THE COUNCIL

SEC. 201. (a)(1) The President shall establish, within 90 days after the date of the enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries.

(2) The Council shall consist of eleven voting members, of whom—

(A) seven members shall be appointed by the President; and

(B) four members shall be appointed by Congress—one by the Speaker of the House of Representatives, one by the minority leader of the House of Representatives, one by the President pro tempore of the Senate, and one by the minority leader of the Senate.

(3) The Council also shall include the joint chairpersons of the Board as ex officio nonvoting members.

(b) Each person appointed to the Council shall be—

(1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and

(2) selected solely on the basis of an established record of distinguished service.

(c) The persons appointed to the Council by the President shall include—

(1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring;

(2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring;

(3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and

(4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences.

(d) The Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, minority organizations, and public interest organizations.

(e) The Chairperson of the Council shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. In case a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy.

(f) The term of office of each of the voting members of the Council shall be five years, except that of the seven members first appointed by the President, one shall be appointed for a term of two years, three for terms of three years, and three for terms of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of

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such term. No members shall be eligible to serve continuously for more than two consecutive terms.

(g) The initial members of the Council shall be appointed or designated (without regard to the requirements of the Federal Advisory Committee Act) not later than ninety days after the date of the enactment of this Act.

(h) The Council shall meet on a regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum.

(i) Appointed members of the Council shall not be employed by the Federal Government, and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

(j) The Administrator of Nutrition Monitoring and Related Research (if appointed under section 101(d)) shall serve as the Executive Secretary of the Council.

FUNCTIONS OF THE COUNCIL

SEC. 202. The Council shall—

(1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan;

(2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program;

(3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and

(4) submit to the Secretaries annual reports that shall contain the components specified in paragraphs (2) and (3), and that shall be included in full in the Secretaries' annual reports to the President for transmittal to Congress under section 102(b).

TITLE III—DIETARY GUIDANCE

ESTABLISHMENT OF DIETARY GUIDELINES

SEC. 301. (a) The Secretaries shall issue and publish basic dietary guidelines for the general population based on scientific knowledge and the dietary patterns nutritional status of the population.

(b)(1) Any Federal agency planning to issue dietary guidance shall submit the text of the proposed guidance to the Secretaries for review prior to release. The Secretaries shall determine within 30 days after such proposed guidance is submitted whether the proposed guidance is basic dietary guidance for the general population.

(2) If the Secretaries determine that any proposed dietary guidance is basic dietary guidance for the general population, the Secretaries, within 180 days after the date such determination is made, shall review such proposed guidance; and the guidance shall not be issued until the Secretaries have theretofore approved the proposed materials and notified the head of the agency of any such approval. If the Secretaries fail to express any objection within that 180-day period, the submitting agency may release the dietary guidance.

BRIEF EXPLANATION

H.R. 2436, the National Nutritional Monitoring and Related Research Act of 1986, contains three titles, which deal with nutritional monitoring and related research, the National Nutrition Monitoring Advisory Council, and dietary guidance, respectively.

TITLE I—NUTRITION MONITORING AND RELATED RESEARCH

The major provisions of title I would—

(1) establish a ten-year program—the National Nutrition Monitoring and Related Research Program—to carry out the objective of the bill, which is to improve nutrition monitoring (sec. 101(a));

(2) require the Secretaries of Agriculture and Health and Human Services, acting jointly, to implement the National Program (sec. 101(b));

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(3) establish an Interagency Board for Nutrition Monitoring and Related Research to assist in implementing the National Program (sec. 101(c));

(4) authorize the Secretaries to appoint a full-time Administrator of Nutrition Monitoring and Related Research to administer the National Program (sec. 101(d));

(5) require the Secretaries to—

(a) ensure the timely implementation of the National Program and the comprehensive plan for the Program (described in (7) below);

(b) include in the National Program and comprehensive plan—

(i) a competitive grants program to encourage research to improve nutrition monitoring; and

(ii) a program of grants to State and local governments to encourage them to develop the capacity for nutrition monitoring;

(c) include in the National Program an annual interagency budget for each fiscal year of the Program;

(d) contract with a scientific body to publish, at least every two years, a report on the nutritional status of the people of the United States; and

(e) foster cost-recovery management techniques, and impose fees for publications of the National Program (sec. 102(a));

(6) require the Secretaries to report to the President and Congress annually on the progress of the National Program and on the nutritional status of the people of the United States (sec. 102(b));

(7) require the Secretaries to prepare and implement a comprehensive plan for the National Program that provides for—

(a) the assessment, analysis, and reporting (on a continuous basis) of the nutritional status of the people of the United States, with supplemental analyses of certain population groups, including low-income groups;

(b) research to improve nutrition monitoring;

(c) nutrition data banks; and

(d) assistance to State and local government agencies (sec. 103(a));

(8) require that the comprehensive plan include components to, among others—

(a) maintain and coordinate current Federal nutrition surveying activities;

(b) provide by 1990 for continuous comprehensive nutrition data collection and analysis; and

(c) in the first year of the plan, complete analyses of nutrition data collected prior to 1984 (sec. 103(b));

(9) provide that the comprehensive plan will constitute the basis on which Federal agencies participating in the National Program request appropriations for nutrition monitoring and related research during the ten-year period of the program (sec. 103(d));

(10) provide that none of the provisions of section 103 (providing for the comprehensive plan) can be construed as modify-

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ing, or authorizing the modification of, the terms of appropriation Acts specifying (a) the agency to which funds are appropriated or (b) the obligations of the agency with respect to the use of the funds (sec. 103(e));

(11) provide that nothing in title I is to be deemed to grant any new regulatory authority or modify regulation under existing law (sec. 104(b));

(12) require the Secretaries to provide for the conduct of research and development, by several science-oriented Federal agencies, to support the National Program and comprehensive plan (sec. 105);

(13) require that agency requests for authorizations or appropriations to carry out the National Program and comprehensive plan be separate line items in the budgets of the agencies involved, and be consistent with the overall interagency budget for the National Program (sec. 106(a));

(14) provide that appropriations for activities under the National Program and comprehensive plan are to made on a three-year basis, to the extent feasible (sec. 106(a)); and

(15) provide that nothing in title I is intended to create new expenditures or limit the authority of participating agencies to request and receive funds for activities under the National Program under other laws (sec. 106(b)).

TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

The major provisions of title II would—

(1) require the President, within 90 days after enactment of the bill, to establish a National Nutrition Monitoring Advisory Council. The membership of the National Council would—

(a) consist of eleven voting members (seven appointed by the President and four appointed by Congress) with five-year terms, selected on the basis of their records of distinguished service; and

(b) include the joint chairmen of the Interagency Board as ex officio nonvoting members (sec. 201);

(2) establish the duties of the National Council as assisting in carrying out the bill, providing scientific and technical advice on the development and implementation of the National Program and comprehensive plan, and serving in an advisory capacity to the Secretaries (secs. 201 and 202); and

(3) require the National Council to submit annual reports to the Secretaries evaluating the National Program and comprehensive plan and recommending means of improving the Program and plan. The reports would be included in the reports on the National Program submitted by the Secretaries annually to the President and Congress (sec. 202).

TITLE III—DIETARY GUIDANCE

Title III consists of one section, section 301, entitled "Establishment of Dietary Guidelines".

Section 301, in subsection (a), would require the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly, to issue and publish basic dietary guidelines for the general

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population based on scientific knowledge and the dietary patterns and nutritional status of the population.

Section 301, in subsection (b), provides that any Federal agency planning to issue dietary guidance would have to submit the text of the proposed guidance to the Secretaries of Agriculture and Health and Human Services for review prior to its release. The Secretaries would determine, within 30 days, whether the proposed guidance is basic dietary guidance for the general population.

If the Secretaries determine that the proposal is basic guidance for the general population, the Secretaries would review the proposal within 180 days.

Such basic guidance could not be issued until the Secretaries approve the proposed materials and notify the head of the agency of such approval. If the Secretaries fail to express any objection within the 180-day period, the submitting agency could release the basic dietary guidance.

PURPOSE AND NEED

I

The principal purposes of H.R. 2436 are to make more effective use of Federal and State expenditures for nutrition monitoring and enhance the performance and benefits of current Federal nutrition monitoring and related research activities; facilitate the timely implementation of a ten-year coordinated National Nutrition Monitoring and Related Research Program; implement a comprehensive plan for the Program to assess on a continuing basis the dietary and nutritional status of the people of the United States; establish and improve the quality of national nutritional and health status data and related data bases; provide for a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities; and establish mechanisms for addressing nutrition monitoring needs of Federal, State, and local governments and the private sector.

II

The Committee on Agriculture and the Committee on Science and Technology have worked for nearly a decade towards establishment of an effective national nutrition monitoring system.

Section 1428 of the 1977 omnibus farm bill (the Food and Agriculture Act of 1977, Public Law 95-113) required the Secretary of Agriculture and the Secretary of Health, Education, and Welfare (now Health and Human Services) to formulate a proposal for a comprehensive nutritional status monitoring system, to include: (1) an assessment system consisting of periodic surveys and continuous monitoring to determine the extent of risk of nutrition-related health problems in the United States, which population groups or areas of the country face greatest risk, and the likely causes of risk, (2) a surveillance system to identify remediable nutrition-related health risks to individuals or for local areas, and (3) program evaluations to determine the adequacy, efficiency, effectiveness, and side effects of nutrition-related programs in reducing health risks to individuals.

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At the request of Congress, this proposal was developed into the USDA-HHS Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System (NNMS) submitted to Congress in 1981. This plan provided outlines for Federal nutrition monitoring activities through 1987.

One of the plan's major outcomes was to have been the first coordinated National Food Consumption Survey (NFCS) and Nationwide Health and Nutrition Examination Survey (NHANES), orginally scheduled for 1987. NFCS and NHANES are the primary components of the current national nutrition monitoring activities. However, the current plan does not indicate that the surveys will be designed as a continuous annual sampling, data processing, and reporting system.

At the present time, plans are under way to conduct the two surveys separately. The NFCS will continue as a decennial survey with the next data collection to begin in 1987. The NHANES III is scheduled to collect data for the total population sample as a continous sample over six years beginning in 1988.

The plan does not provide mechanisms for incorporating other nutrition monitoring activities providing technical assistance to State and local governments, which have indicated increasing interest in nutrition monitoring, or for establishing national baseline data and research to develop uniform indicators, standards, and procedures for nutrition monitoring. Furthermore, the plan does not identify coordination approaches, activities, or needs of other Federal agencies, lead agency responsibility, or manpower and economic resources needed to complete the specified critical features by 1987.

While USDA and HHS have given increased attention to nutrition monitoring activities in the last few years, concern has been expressed about the lack of coordinated nutrition monitoring activities, which leads to costly and duplicative efforts. The following nineteen surveys are examples of Federal efforts to collect food, nutrition, and health data.

Survey	Federal agency
Nationwide Food Consumption Survey (NFCS)	Agriculture
National Health and Nutrition Examination Survey (NHANES)	National Center for Health Statistics
Continuing Survey of Food Intakes by Individuals	Agriculture
Total Diet Study	Food and Drug Administration (HHS)
Pediatric Nutrition Surveillance	Centers for Disease Control (HHS)
Pregnancy Nutrition Status Surveillance	Centers for Disease Control (HHS)
Current Population Survey	Bureau of Labor Statistics
Consumer Expenditure Survey	Bureau of Labor Statistics
Food Labeling and Practices Survey (FLAP)	Food and Drug Administration (HHS)
National Hospital Discharge Survey	National Center for Health Statistics
National Ambulatory Medical Care Survey	National Center for Health Statistics
National Nursing Home Survey	National Center for Health Statistics
National Health Interview Survey	National Center for Health Statistics
Survey of Income and Program Participation	Bureau of the Census
National Natality Followback Survey	National Center for Health Statistics
Dietary Knowledge and Practices Survey	Food and Drug Administration (HHS)
Infant Feeding Practices Survey	Food and Drug Administration (HHS)
Study of Weight Loss and Diet	Food and Drug Administration (HHS)
Behavioral Risk Factor Surveillance	Centers for Disease Control (HHS)

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A number of these surveys request identical information, such as dietary recall and food frequency. Furthermore, the data obtained from these various sources are not fully integrated to provide a timely and comprehensive view of the nutritional status of the people of the United States.

The precise amounts of Federal monies expended for nutrition monitoring activities are currently almost impossible to ascertain. The Acting Assistant Secretary for Health of the Department of Health and Human Services, James O. Mason, in a letter to Congressman George Brown dated March 28, 1985, stated that,

> it is difficult to respond to your request for dollar amounts spent on nutrition monitoring activities because often costs are contained not in one but several line items within the DHHS agency's budgets. However, the following items reflect *estimates* (emphasis added) of nutrition monitoring expenses . . .

Subcommittees of the Committees on Agriculture and Science and Technology have conducted a number of hearings since the establishment of a national nutrition monitoring system in 1977. The hearings revealed not only the lack of an integrated plan to provide timely data on results of the surveys being conducted, but that present scientific methods and technologies to assess nutritional and dietary data are costly and imprecise and lack standardization. The Subcommittees have been informed that,

> . . . there are no states which have been able to use existing national nutrition survey results in establishing baseline values and setting measurable dietary targets for the future. This is not necessarily because the raw data are not available nationally but rather, because there is no mechanism to transfer the technology of how to apply these data in making synthetic population estimates between federal sources and non-federal data users. In addition, the dietary survey methods and analytical techniques used by the two departments are not comparable, making it impossible to establish definitive baseline values and to quantify shifts in dietary intake over time. (Dr. Jeffrey R. Taylor, Chief, Division of Research Demonstration and Evaluation, Center for Health Promotion, Michigan Department of Public Health.)

Specifically, testimony before the Agriculture and Science Subcommittees indicated:

> Presently the data obtained from these various sources are not integrated to provide the timely and comprehensive view of food practices, trends and health implications that could be constructed from the comprehensive data collected by the surveys cited. (Dr. Malden C. Nesheim, Director, Division of Nutritional Sciences, Cornell University)
>
> In addition, a coordinated effort among the various agencies would enhance standardization of data collection, analysis and reporting, thereby facilitating comparison and interpretation of the surveys and also providing a more comprehensive picture of the nutritional status of

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> the population. (Dr. Emerita N. Aicantara, Assistant Director of Nutrition Research, National Dairy Council, in a hearing on June 20, 1984, on nutrition monitoring legislation (H.R. 4684).)

Statements presented by the American Medical Association before the Federation of American Societies for Experimental Biology's 1986 reviews of the HHS 1990 Health Objectives for the Nation indicated that a comprehensive nutrition monitoring system is important to the promotion of health and prevention of disease, and "the current impasse should be resolved in 1986 by focused efforts of the secretaries of the two departments."

The February 20, 1985, Report to the President and Congress by the National Agriculture Research and Extension Users Advisory Board stated:

> These limitations (limited information on the nutritional status of various segments of the population) were a result of poor coordination among the appropriate Federal agencies. Each department would conduct its own survey while ignoring the opportunity to coordinate with other agencies to economize and perhaps make the results more conclusive. Specific steps should be taken to coordinate the more than nine ongoing research studies under the auspices of four agencies.

A December 1985 letter to Chairman Don Fuqua of the House Committee on Science and Technology signed by the National Cattlemen's Association, United Egg Producers, National Milk Producers Federation, and the American Meat Institute states:

> The National Nutrition Monitoring Act will help make more effective use of Federal and state expenditures. By establishing a coordinated nutrition monitoring program, this bill will increase efficiency and reduce the duplication of efforts by the various agencies involved.

Following is a list of joint Committee hearings on nutrition monitoring:

U.S. House of Representatives: Implementation plan for a national nutrition status monitoring system. Joint hearing before the Subcommittee on Science, Research, and Technology and the Subcommittee on Department Operations, Research, and Foreign Agriculture, Serial N, June 24, 1981.

U.S. House of Representatives: Federal commitment to human nutrition research. Joint hearing before the Subcommittee on Science, Research, and Technology and the Subcommittee on Department Operations, Research, and Foreign Agriculture, Serial WWW, June 23, 1982.

U.S. House of Representatives: The role of the Federal Government in human nutrition research, Subcommittee on Science, Research, and Technology and the Subcommittee on Department Operations, Research, and Foreign Agriculture, Serial 98-24, July 14, 1983.

U.S. House of Representatives: H.R. 4684—The National Nutrition Monitoring and Related Research Act of 1984. Joint hearing before the Subcommittee on Science, Research, and Technology and

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the Subcommittee on Department Operations, Research, and Foreign Agriculture, Serial 98-31, June 20, 1984.

U.S. House of Representatives: H.R. 2436—The National Nutrition Monitoring and Related Research Act of 1985. Joint hearing before the Subcommittee on Science, Research, and Foreign Agriculture, the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, and the Subcommittee on Department Operations, Research, and Foreign Agriculture, Serial 99-12, June 25, 1985.

III

H.R. 2436 will provide the Federal focus needed to provide better coordination and management of nutrition monitoring activities and to make more effective use of Federal funds for such activities.

The legislation establishes a framework for achieving the stated objectives by making the Secretaries of Agriculture and Health and Human Services jointly responsible for the development of a comprehensive plan for a ten-year National Nutrition Monitoring and Related Research Program and for the implementation of the Program. It creates an Interagency Board for Nutrition Monitoring and Related Research to assist the Secretaries in achieving these objectives. Further, it creates a National Nutrition Monitoring Advisory Council to provide scientific and technical advice on the development and implementation of the Program and to evaluate the effectiveness of the Program's implementation. The bill also stipulates that an Administrator may be appointed to serve as the central focus for these coordinating activities.

The Secretaries, with the advice of the Interagency Board, will be responsible for the development of the comprehensive plan, which is to serve both as focal point for nutrition monitoring activities and as a means of identifying national nutrition monitoring priorities. The plan will indicate functions and activities each Federal agency will perform, and in addition, include a budget for the Program specifying the anticipated expenditures for each agency involved. The Program is to build on the current Joint Implementation Plan for a Comprehensive National Monitoring System and include at least the following components: a grants program to promote State and local monitoring initiatives; a grants program to accelerate the development of monitoring methods and standards; and means to stimulate academic, industry, and government partnerships to accomplish national nutrition monitoring needs.

Analysis of the data generated through this coordinated mechanism will be through a contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology. The contract will require that the Departments of Agriculture and Health and Human Services provide a biennial report on the dietary, nutritional, and health related status of the people of the United States and the nutritional quality of the food supply. The Committee expects that such a report will explain and summarize the data available on these subjects. As a part of the contract with the scientific body, the Secretaries of Agriculture and HHS will ensure review of the biennial report.

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This legislation does not authorize new funds for carrying out the Program and comprehensive plan. Implementation will be funded through ongoing appropriations for activities already in effect or through annual authorizations and appropriations by each Federal agency allocated responsibility for specific components of the plan. Each agency will request such funds as a separate line item of the budget involved and consistent with the interagency budget for the Program. Through the research monitoring priorities outlined in the plan and the annual appropriations requests, Congress can be better apprised of the exact amount of Federal monies used for nutrition monitoring activities and specifically what those activities entail.

IV

The legislation provides, in title III, that the Secretaries of Agriculture and Health and Human Services issue and publish basic dietary guidelines for the general population. Dietary guidance issued by any Federal agency will be submitted to the Secretaries to be reviewed before publication. The first phase of the review process will be completed within one month. Dietary guidance that is considered to be *basic* dietary guidance for the *general population* will be reviewed by the Secretaries and will not be released until approval is granted and notification is made to the head of the Federal agency issuing such guidance. This second phase of the review process must be completed within 180 days. In addition, basic dietary guidance includes guidelines for health promotion and disease prevention.

The two agencies principally responsible for Federal nutrition information, the Department of Agriculture and the Department of Health and Human Services, will review all dietary guidelines issued by any Federal agency. Further, the bill ensures that the basic dietary guidance issued by the Federal Government is consistent and compatible and that the Federal Government speaks with one voice on this issue to the general population. Therefore, every Federal agency, which includes an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress that is owned in whole or in part by the United States, must comply with the provisions of title III.

V

On June 6, 1986, the Committee on Agriculture received from the Department of Agriculture and the Department of Health and Human Services a prepublication report (final report due July 15, 1986) by the Joint Nutrition Monitoring Evaluation Committee that reviewed over a 3-year period data collection under the National Nutrition Monitoring System. That report, entitled *Nutrition Monitoring in the United States*, recommends a number of improvements in the current system (such as better methods and techniques for gathering information to assess nutritional status, more timely publication of data, and improving information exchange between date users and gatherers) that are consistent with the goals of this bill.

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SECTION-BY-SECTION ANALYSIS

Section 1—Short Title

Section 1 provides that the bill may be cited as the "National Nutrition Monitoring and Related Research Act of 1986".

Section 2—Purposes

Section 2 sets out the purposes of the bill, which, in summary, are to—

(1) make better use of government expenditures for nutrition monitoring;

(2) improve Federal nutrition monitoring and related research activities;

(3) establish a coordinated National Nutrition Monitoring and Related Research Program (to establish a scientific basis for improving nutrition in the United States);

(4) establish a comprehensive plan for the National Nutrition Monitoring and Related Research Program (to assess, on a continuing basis, the nutritional status of the people of the United States and nutrition monitoring and related research efforts);

(5) improve nutrition data collection;

(6) stimulate research to improve procedures for nutrition monitoring;

(7) centralize the management of Federal nutrition monitoring activities;

(8) establish mechanisms to address the nutrition monitoring needs of non-Federal sector; and

(9) provide for the conduct of research and development appropriate in support of the foregoing purposes.

Section 3—Definitions

Section 3 defines the following terms used in the bill: nutrition monitoring and related research; coordinated program; Interagency Board for Nutrition Monitoring and Related Research; Board; comprehensive plan; Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System; National Nutrition Monitoring Advisory Council; Council; Secretaries; and local government.

Section 3 defines the term "nutrition monitoring and related research" to mean activities needed to provide timely information about factors that bear on the contribution that nutrition makes to the health of the people of the United States. These activities include—

(1) measurement of dietary, nutrition, and health status;

(2) measurement of food consumption;

(3) measurement of food composition;

(4) nutrient data banks;

(5) measurement of dietary knowledge and attitudes; and

(6) determinations relating to food supply and demand.

Section 3 defines the term "Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System" to mean the plan of that title submitted to Congress in September 1981 by the Departments of Agriculture and Health and Human Services

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under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178).

Section 3 defines the term "Secretaries" to mean the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly.

Section 3 defines the term "local government" to mean a local general unit of government or local educational unit.

TITLE I—NUTRITION MONITORING AND RELATED RESEARCH

Section 101—Establishment of the Coordinated Program

Section 101 will establish a ten-year coordinated program, to be known as the National Nutrition Monitoring and Related Research Program, to carry out the purposes of the bill (which are set out in section 2 of the bill). The Secretaries of Agriculture and Health and Human Services, acting jointly, would be responsible for implementing the National Program.

Section 101 also will establish an Interagency Board for Nutrition Monitoring and Related Research to assist in implementation of the National Program. The joint chairmen of the Interagency Board would be—

(1) an Assistant Secretary of Agriculture designated by the Secretary of Agriculture; and

(2) an Assistant Secretary in the Department of Health and Human Services designated by the HHS Secretary.

The remaining membership of the Interagency Board would consist of additional representatives of Federal agencies designated by the joint chairmen.

The Interagency Board would meet not less often than once every three months.

Section 101 will authorize the Secretaries, acting jointly, to appoint a full-time Administrator of Nutrition Monitoring and Related Research, to establish a central focus to, and provide a coordintor for, the National Program. The Administrator would (1) administer the National Program with the advice and counsel of the joint chairmen of the Interagency Board, and (2) serve as Executive Secretary for the Advisory Council (established under section 201 of the bill). The person chosen to be Administrator would have to be an individual eminent in the field of nutrition monitoring and related areas, selected on the basis of expertise and distinguished service.

Section 102—Functions of the Secretaries

Section 102, in subsection (a), will impose a number of requirements on the Secretary of Agriculture and the Secretary of Health and Human Services, the requirements to be met by the Secretaries acting jointly and with the advice of the Interagency Board established under section 101 of the bill.

The requirements applicable to the Secretaries under subsection (a) are as follows:

(1) To establish the goals of the National Nutrition Monitoring and Related Research Program established under section 101; identify the activities required to meet such goals; and

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identify the responsible agencies with respect to the National Program.

(2) To update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System (which is defined in section 3 of this bill) and integrate it into the National Program.

(3) To ensure the timely implementation of the Comprehensive Plan, prepared under section 103 of the bill, and the National Program.

(4) To include in the National Program and the Comprehensive Plan, the following:

(a) A competitive grants program to encourage and assist the conduct, by Federal and non-Federal entities, of research (including research to develop uniform methodologies and other procedures to conduct nutrition monitoring and surveillance) that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status. Such grants would be made on an appropriate matching funds basis.

(b) A grants program to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services, including nutrition monitoring and surveillance and data collection as part of a national nutritional status network.

(c) (National Program only) An annual interagency budget for each fiscal year of the program.

(5) To foster productive interaction—in nutrition monitoring and related research—among Federal efforts, State and local governments, the private sector, scientific communities, health professionals, and the public.

(6) To contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish every two years (or more frequently if appropriate) a report, on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality of the national food supply.

(7) To foster cost recovery management techniques in the National Program; and impose appropriate charges and fees for publications of the National Program, including printed and electronically transmitted data and analyses. No such charge or fee imposed on an educational or other nonprofit organization could exceed the actual costs incurred by the National Program in providing the publications involved. The proceeds of the charges and fees would be earmarked for purposes of the National Program.

Section 102, in subsection (b), will require the Secretaries, acting jointly, to submit annual reports to the President for transmittal to Congress by January 15 of each year. Each such report would—

(1) evaluate the progress of the National Program;

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(2) summarize the results of the National Program components that are developed under section 103;

(3) analyze the dietary, nutritional, and related health status of the people of the United States, the nutritional quality of the national food supply, the relevant policy implications of the analytical findings, and future nutrition monitoring and related research priorities;

(4) include in full the annual report of the National Council provided for in section 202; and

(5) include an executive summary of the report most recently published by the scientific body under contract to analyze data and publish nutrition reports under subsection (a).

Section 103—Development of the Comprehensive Plan for the National Nutrition Monitoring and Related Research Program

Section 103, in subsection (a), will require the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly and with the advice of the Interagency Board established under section 101, to prepare and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program established under section 101. Under the Comprehensive Plan, the National Program would be designed to—

(1) assess, collate data with respect to, analyze, and report on a continuous basis (A) the dietary and nutritional status of the people of the United States, and the trends with respect to such status (dealing with such status and trends separately in the case of preschool and school-age children, pregnant and lactating women, elderly individuals, low-income populations, Blacks, Hispanics, and other minorities, as appropriate); and (B) the state of the art with respect to nutrition monitoring and related research, and future monitoring and related research priorities, and (C) relevant policy implications of the findings with respect to such status, trends, and research;

(2) assess, analyze, and report, on a continuous basis, for a representative sample of the low-income population, food and household expenditures, participation in food assistance programs, and periods experienced when resources are not sufficient to provide an adequate diet;

(3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance;

(4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources, as required;

(5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and

(6) focus the nutrition monitoring and related reearch activities of the Federal agencies.

Section 103, in subsection (b), will require that the Comprehensive Plan, at a minimum, include components to—

(1) maintain and coordinate the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food

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Consumption Survey (NFCS), which are the major components of the current national nutrition monitoring system;

(2) provide, by 1990, for the continous collection, processing, and analysis of nutritional and dietary status data through a stratified probability sample of the people of the United States. The sample is to be designed to permit statistically reliable estimates of high-risk groups and geopolitical and geographic areas, and to permit accelerated data analysis (including annual analysis, as appropriate);

(3) maintain and enhance other Federal nutrition monitoring efforts (such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study) and, to the extent possible, coordinate such efforts with the surveys described in (1) and (2) above;

(4) incorporate, in survey design, military and (where appropriate) institutionalized populations;

(5) within the first year of the Comprehensive Plan, complete the analysis and interpretation of data sets from the surveys described in (1) above collected prior to 1984;

(6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends;

(7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status, for relating food consumption patterns to nutritional and health status, and for use in the evaluation of Federal food and nutrition intervention programs;

(8) establish national baseline data and procedures for nutrition monitoring;

(9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of obtaining dietary and nutritional status data and developing rlelated data bases and networks to promote the development of regional, State, and local data collection services to become an integral component of a national nutrition status network;

(10) establish mechanisms to (a) identify the needs of users of nutrition monitoring data, and (b) encourage the private sector and the academic community to participate in the development and implementation of the Comprehensive Plan and contribute relevant data from non-Federal sources to promote the development of a national nutritional status network;

(11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research;

(12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Interagency Board established under section 101;

(13) administer the National Program, define Program objectives, priorities, oversight, responsibilities, outcomes, and resources, and define the organization and management of the Interagency Board and the National Council established under section 201; and

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(14) provide a mechanism for periodically evaluating and refining the National Program and the Comprehensive Plan that facilitates (a) cooperation and interaction by State and local governments, the private sector, scientific communities, and health care professionals, and (b) coordination with non-Federal activities.

Section 103, in subsection (c), will require that the Comprehensive Plan (1) allocate all functions and activities under the National Program among the Federal agencies and offices involved with the Program, and (2) contain an affirmative statement and description of such functions and activities.

Section 103, in subsection (d), will establish the procedure for the development of the Comprehensive Plan by the Secretaries. Under subsection (d), the Plan would be—

(1) submitted in draft form to the President for submission to Congress, and for public review, within 12 months after the date of the enactment of the bill;

(2) available for public comments for a period of 60 days after its submission in draft form by means of publication in the Federal Register; and

(3) submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within 60 days after the close of the period allowed for comments on the draft Plan.

Subsection (d) also states that the Comprehensive Plan will constitute the basis on which each agency participating in the National Program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the Program.

Section 103, in subsection (e), states that nothing in section 103 may be construed as modifying, or as authorizing the Secretaries or the Comprehensive Plan to modify, any provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) that specifies (1) the department or agency to which funds are appropriated, or (2) the obligations of such department or agency with respect to the use of such funds.

Section 104—Implementation of the Comprehensive Plan

Section 104, in subsection (a), will require that the Comprehensive Plan for the National Nutrition Monitoring and Related Research Program, as provided for in section 103, be carried out during the nine-fiscal-year period beginning with the year following the fiscal year in which the Plan is submitted in its final form. Subsection (a) also will specifically require that the comprehensive plan (1) be carried out in accord with the design and components specified in subsections (a) and (b) of section 103, (2) be carried out by the Federal agencies involved in accord with the allocation of functions and activities provided for by subsection (c) of section 103, and (3) be funded by appropriations as described in section 106 of the bill. Further, subsection (a) provides that Congress, through its appropriate authorizing committees, is to exercise continuing oversight over the National Program, taking into account the Secretar-

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ies' annual reports and such other information and data as may be developed.

Section 104, in subsection (b), states that nothing in title I of the bill is to be deemed to (1) grant any new regulatory authority; or (2) limit, expand, or otherwise modify any regulatory authority under existing law; or (3) establish new criteria, standards, or requirements for regulation under existing law.

Section 105—Scientific Research and Development In Support of The Coordinated Program and Comprehensive Plan

Section 105 will require the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly, to provide for and coordinate the conduct of certain research and development work by—

(1) the National Science Foundation,
(2) the National Aeronautics and Space Administration,
(3) the National Oceanic and Atmospheric Administration,
(4) Bureau of the National Standards, and
(5) other suitable Federal agencies.

The research and development work would be that necessary or appropriate (1) in support of the National Nutrition Monitoring and Related Research Program established under section 101 and the Comprehensive Plan for the National Program established under section 103, and (2) in futherance of the purposes and objectives of the bill.

Section 106—Authorizations and Appropriations

Section 106, in subsection (a), will require—

(1) the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly, and

(2) each agency that is allocated nutrition monitoring or related functions or activities under the Comprehensive Plan for the National Nutrition Monitoring and Related Research Program established under section 103, to request annual authorizations and appropriations (during the ten fiscal years beginning with the fiscal year in which the Comprehensive Plan is submitted in final form) for the National Program and Comprehensive Plan in a separate line item of the agency budget involved. Such requests also would have to be consistent with the interagency budget included in the National Program under section 102(a). To the maximum extent feasible, such appropriations would be provided on a three-year basis, subject to annual appropriation Acts enacted after the bill.

Section 106, in subsection (b), states that nothing in title I is intended either (1) to authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the National Program, or (2) to limit the authority of any of the agencies participating in the National Program to request and receive funds for those purposes (for use in the Program) under other laws.

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TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

Section 201—Establishment of the Council

Section 201 will provide for the establishment of a National Nutrition Monitoring Advisory Council. The President would be required to establish the National Council within 90 days after enactment of the bill. The National Council would—

(1) assist in carrying out the purposes of the bill;

(2) provide scientific and technical advice on the development and implementation of the National Nutrition Monitoring and Related Research Program established under section 101 of the bill and the Comprehensive Plan for the National Program established under section 103 of the bill;

(3) serve in an advisory capacity to the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly under the bill; and

(4) perform functions specified in section 202 of the bill.

The National Council would be made up of eleven voting members, of whom—

(1) seven members would be appointed by the President; and

(2) four members would be appointed by Congress—one by the Speaker of the House of Representatives, one by the minority leader of the House of Representatives, one by the President pro tempore of the Senate, and one by the minority leader of the Senate. The National Council also would include the joint chairman of the Interagency Board for Nutrition Monitoring and Related Research established under section 101 of the bill as ex officio nonvoting members.

Each person appointed to the National Council would have to be—

(1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and

(2) selected solely on the basis of an established record of distinguished service.

The persons appointed to the National Council by the President would include—

(1) one member who is a director of a nutrition research unit primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring;

(2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring;

(3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and

(4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences.

The National Council membership, at all times, would have to have representatives from various geographic areas, the private

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sector, academia, scientific and professional societies, minority organizations, and public interest organizations.

The Chairman of the National Council would be elected from and by the Council membership. The term of office of the Chairman could not exceed five years. In case a vacancy occurs in the Chairmanship, the Council would elect a member to fill such vacancy.

The term of office of each of the voting members of the National Council would be five years. However, of the seven members first appointed by the President, one would be appointed for a term of two years, three for terms of three years, and three for terms of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed would be appointed for the remainder of the term. No member would be eligible to serve continuously for more than two consecutive terms.

The initial National Council members would be appointed or designated (without regard to the requirements of the Federal Advisory Committee Act) not later than 90 days after the date of the enactment of the bill.

The National Council would meet on a regular basis at the call of the Chairman, or on the written request of one-third of the members. A majority of the appointed members of the Council would constitute a quorum.

Appointed members of the Council could not be employed by the Federal Government.

Appointed members would be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

The Administrator of Nutrition Monitoring and Related Research (if appointed under section 101) would serve as the Executive Secretary of the National Council.

Section 202—Functions of the Council

Section 202 provides that the National Nutrition Monitoring Advisory Council established under section 201 of the bill would be required to—

(1) provide scientific and technical advice on the development and implementation of all components of the National Nutrition Monitoring and Related Research Program established under section 101 of the bill and the Comprehensive Plan for the National Program established under section 103 of the bill;

(2) evaluate the scientific and technical quality of the Comprehensive Plan and the effectiveness of the National Program;

(3) recommend to the Secretary of Agriculture and the Secretary of Health and Human Services, on an annual basis, means of enhancing the Comprehensive Plan and the National Program; and

(4) submit to the Secretaries an annual report containing such evaluations and recommendations, which report would be included in full in the Secretaries' annual report to the President for transmittal to Congress under section 102 of the bill.

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TITLE III—DIETARY GUIDANCE

Section 301—Establishment of Dietary Guidelines

Section 301, in subsection (a), will require the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly, to issue and publish basic dietary guidelines for the general population based on scientific knowledge and the dietary patterns and nutritional status of the population.

Section 301, in subsection (b), provides that any Federal agency planning to issue basis dietary guidance will have to submit the text of the proposed guidance to the Secretaries of Agriculture and Health and Human Services prior to its release. The Secretaries would be required to determine, acting jointly, within 30 days whether the proposed guidance is basic dietary guidance for the general population.

If the Secretaries determine that the guidance is basic dietary guidance for the general population, the Secretaries would have to review the material and complete their review within 180 days after they make their determination.

The guidance could not be issued until the Secretaries approve the proposed materials and notify the head of the agency of such approval. If the Secretaries fail to express any objection within the 180-day period, the submitting agency could release the dietary guidance.

COMMITTEE CONSIDERATION

Subcommittee Hearing

On June 25, 1985, the Subcommittee on Department Operations, Research, and Foreign Agriculture and the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the Committee on Agriculture and the Subcommittee on Science, Research, and Technology of the Committee on Science and Technology held a joint hearing on H.R. 2436, the National Nutrition Monitoring and Related Research Act of 1986.

The first panel of witnesses who appeared at the hearing were Dr. Reynaldo Martorell, associate professor, Food Research Institute, Stanford University, representing the National Research Council, Food and Nutrition Board, National Academy of Sciences; Dr. John C. LaRosa, professor of medicine and health care sciences, George Washington University, and member of the Nutrition Committee of the American Heart Association; and Dr. Stanley R. Johnson, professor of economics and director of the Center for Agricultural and Rural Development, Iowa State University, Ames, Iowa.

Dr. Martorell and Dr. LaRosa both discussed the importance of a nutrition monitoring system and the need for continuous data collection. Dr. Martorell noted that the National Research Council in several recent reports had recognized the need for continuous surveys carried out by the Department of Agriculture (the National Food Consumption Survey) and the Department of Health and Human Services (Nationwide Health and Nutrition Examination Survey), and recommended improvements in the methods of die-

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tary surveys and the development of a system to coordinate the surveys with modifications in the study design to permit the use of data from the two surveys together.

Dr. LaRosa stated that the current Federal agency system for the dissemination of materials on nutrition is too fragmented and dispersed and said that it is important that nutritional information be centrally supervised and internally consistent. He also expressed concern that the current nutrition information and montoring system does not provide dietary information and food consumption data in a timely manner to influence public policy.

The third member of the panel, Dr. Stanley R. Johnson, stated that the nutrition monitoring system in place was very good in comparison to that of the other countries. He expressed concern that the tone of H.R. 2436, as introduced, focused too much on central control management and that the costs of tight coordination are very high, and that when the nuts and bolts management occurs, it will occur within an agency that has special interests in the nutrition problem that are not representative of all the concerns that exist for nutrition status in the country.

The second panel of witnesses included Dr. Malden C. Nesheim, Director, Division of Nutritional Sciences, Cornell University; Dr. Jeffrey R. Taylor, Chief, Division of Research Demonstration and Evaluation, Center for Health Promotion, Michigan Department of Public Health, representing public health and government organizations; and Lynn Parker, Senior Nutritionist, Food Research and Action Center, Washington, D.C.

Dr. Nesheim, whose testimony ws endorsed by the Joint Public Affairs Committee of the American Institute of Nutrition and the American Society for Clinical Nutrition, the National Nutrition Consortium, Society for Nutrition Education, Experiment Station Committee on Policy's (ESCOP) Subcommittee on Human Nutrition, and the American Dietetic Association, spoke on the need to reinforce the commitment to a national nutrition monitoring program. He discussed the fact that most data from major Federal government surveys are not interpreted on a timely basis, pointing out that the last national data on nutrition and health are contained in the Nationwide Health and Nutrition Examination Survey (NHANES) II survey from 1977-1979 and that the analysis of that data is still underway. Further, he noted that the need for systematic and frequent health, food, and nutrition monitoring is apparent considering cycles of inflation, unemployment, and changes in government programs that have occurred in the short time since the last NHANES data collection; and he said that principal elements of a good monitoring system should include regular and systematic data collection, timely analysis, and adequate interpretation so that appropriate actions could be taken by the system's users.

Dr. Jeffrey Taylor, who spoke on behalf of various public health and State government organizations, expressed concern that while the major nutrition survey groups could potentially provide vital information, sampling procedures and study designs vary, making it confusing and difficult to sort out important data. He stated further that the President's Task Force on Food Assistance, on discovering that the lack of current data made it impossible to assess

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whether the nutritional status in the country had worsened, made recommendations to improve the major nutrition surveys by, among other things, developing new measurement tools based on NHANES and the NFCS and conducting smaller, more frequent surveys to provide more up-to-date information.

The final member of the panel, Lynn Parker, spoke on behalf of FRAC and 40 other consumer, antihunger, senior citizen, local government, farm, eductional, rural, and religious groups. She expressed support for the legislation and said it would provide greater timeliness in data collection, analysis, and dissemination, better data collection techniques, more interagency cooperation and better cooperation between Federal, State, and local governments. She said that Congress needed a more comprehensive system to make present and future policy decisions.

Hilarie Hoting, Director of Nutrition and Consumer Affairs, American Meat Institute, and Dr. Emerita N. Alcantara, Director, Nutrition Policy Issues, Division of Nutrition Research, National Dairy Council, were the next two witnesses. Ms. Hoting stated that AMI did not support the management structure envisioned in H.R. 2436, as introduced, but could support a continued cooperative effort between USDA and HHS as the most appropriate management mechanism. Testimony of the National Dairy Council also supported assigning joint responsibility to USDA and HHS. Dr. Alcantara, who represented the Council, further stated that the Council supported continuation of NHANES and NFCS with development of a common methodology and timely reporting system. She felt that dietary guidance and activity beyond the scope of nutrition monitoring should be removed from the legislation and called for clarification of the cost recovery technique provision.

The final panel of witnesses represented Federal agencies involved in nutrition monitoring activities. They were the following: Dr. James O. Mason, Acting Assistant Secretary for Health, Department of Health and Human Services; Dr. Orville Bentley, Assistant Secretary for Science and Education, accompanied by John Bode, Acting Assistant Secretary for Food and Consumer Services, Department of Agriculture; and Major General Garrison Rapmund, Assistant Surgeon General for Research and Development, Department of the Army.

The Administration witnesses all opposed the legislation. Dr. Mason of HHS and Mr. Bode of USDA discussed recent increased efforts by the two departments to coordinate nutrition monitoring efforts. Dr. Mason said the real problems are to resolve technical issues among components of the national nutrition monitoring system and to pursue ways to better use information collected through the data systems, and that these problems can be better addressed through mechanisms in which the agencies have already invested considerable effort.

Mr. Bode said that although the Department of Agriculture opposed H.R. 2436, the Department supported the overall purpose of the Act to implement a coordinated and comprehensive approach to nutrition monitoring, but that that Department believes the goal could be achieved in a less costly manner and without the added burdens of additional layers of managers and advisors required by H.R. 2436.

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Major General Rapmund discussed the close coordination between DOD, HHS, and USDA on a number of nutrition efforts and deferred to HHS and USDA on the need for a national nutrition monitoring system.

Committee Markup

The Committee met in business session on June 5, 1986.

The Committee agreed, without objection, to have the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition and the Subcommittee on Department Operations, Research, and Foreign Agriculture discharged from further consideration of H.R. 2436.

The Committee then turned to consideration of H.R. 2436, and Mr. Panetta, Chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, was recognized to review Subcommittee action on the bill.

Mr. Panetta yielded to Mr. Brown of California to discuss a proposed substitute for the text of the bill.

Mr. Brown moved that the Committee substitute the text of H.R. 2436, as reported by the Committee on Science and Technology, for the text of the bill, as introduced. As reported by the Committee on Science and Technology on March 4, 1986, the bill had been substantially amended to take into account the testimony at the hearing on the bill and concerns expressed by the Administration, and to make technical and clarifying improvements. Mr. Brown described the proposed substitute in detail. Without objection, the Committee approved the Brown motion, so that the text of the substitute would be considered the text of the original bill for the purposes of amendment.

Mr. Emerson offered an amendment to section 301 of the substitute to clarify that all proposals for dietary guidance to be issued by Federal agencies be submitted to the Secretaries of Agriculture and Health and Human Services for review prior to release to the public. The amendment was agreed to by voice vote.

Mr. Emerson then discussed two provisions in the substitute: the contract with a scientific body to provide a biennial report on nutritional status and the nutritional quality of the food supply, and the agencies to be covered by the dietary guidance requirements of section 301 of the substitute. As to the former, he said it should be expected that such reports explain and summarize the data available on the subjects covered by the reports, and that, as part of the contract, the Secretaries of Agriculture and Health and Human Services ensure review of the report. The Committee concurred with Mr. Emerson on this matter.

As to the latter, Mr. Emerson stated that the term "Federal agency," as used in section 301, should mean an executive department, independent Federal establishment, or a corporation or other entity established by law and owned in whole or in part by the United States. The Committee agreed that the term should encompass all such entities.

Mr. Panetta moved that H.R. 2436, with the substitute text, as amended, be reported to the House with the recommendation that

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it pass. By a voice vote, in the presence of a quorum, the motion was agreed to and the bill was so ordered reported.

ADMINISTRATION POSITION

The views of the administration on H.R. 2436, the National Nutrition Monitoring and Related Research Act of 1985, are set forth in the following letter to the Chairman of the Committee on Agriculture:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, June 4, 1986.

Hon. E. (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request of March 31, 1986, for a report on H.R. 2436, a bill "To establish a coordinated National Nutrition Monitoring and Related Program, to a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan."

As you pointed out, the Committee on Science and Technology made numerous changes in the bill. While some of these changes addressed concerns raised by the Department of Agriculture, the Department still opposes the enactment of H.R. 2436.

We agree that a national nutrition monitoring system is necessary to insure that the nutritional needs of the public are satisfied and to provide information to guide the expenditure of public funds for nutrition research and intervention programs. Toward that end we are committed to implementation of the National Nutrition Monitoring System submitted to Congress in 1981 and its extension through continued joint management by the U.S. Departments of Agriculture (USDA) and Health and Human Services. Through the sequential and systematic approach defined through this management, we believe the major objectives of H.R. 2436 can be achieved with no adjustment to the current management system.

In accordance with this implementation plan, USDA has conducted a dietary survey in the spring of 1985. The first data collected in this national sample of women and their children were released in December 1985. A companion report for a low-income sample of women and children will be released shortly. These data allow us to examine current food intake patterns in the sampled population. The large, 1987, decennial surey of household food use and intakes of all individual household members is now being planned.

These activities require considerable preliminary study and cooperative activities with data users as well as the Department of Health and Human Services. Data users conferences identified priority data needs, and studies of methods and technologies helped define procedures to be followed. Quarterly conferences of U.S. Departments of Agriculture and Health and Human Services monitor-

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ing specialists help to improve comparabililty of surveys and avoid duplication of efforts. We feel that monitoring activities are now moving at a pace that is efficient and scientifically sound.

We oppose enactment of H.R. 2436 for the following reasons:

During a time of great pressure to reduce Federal spending, additional expenditures will be needed in the future to support new grant programs, expanded data collection, and new reporting requirements provided for in this bill.

Even though the position of administrator is no longer a requirement, administrative burdens would be increased by requiring reports from the Advisory Council, Interagency Board, and an outside Scientific Body. We view such requirements as cumbersome and likely to delay the Departments from achieving their monitoring goals.

The Committee on Science and Technology has introduced a new section regarding dietary guidance into this bill. The stated purpose is to emphasize that dietary guidance for healthy Americans must be agreed to by both Departments. This is a positive step because of the immense confusion existing in the consumer's mind today caused by numerous and often conflicting guidelines, some coming from the Federal agencies. However, in the Committee's report on the bill, they specifically exempted dietary guidance relating to health promotion and disease prevention. Since most dietary guidance is related to these two principles, the report language appears to negate the intention of the bill.

The Department's commitment to nutrition monitoring has been demonstrated through increased allocations of funds and staff to complete current contracts during 1985 and 1986 for dietary surveys and to conduct a comprehensive decennial survey in 1987–88. We feel we are meeting the goals of the nutrition monitoring system with better coordination of data collection efforts, timely collection and release of data, use of best available technology and increased interaction with data users. Therefore, we are opposed to H.R. 2436 as unnecessary and potentially harmful in achieving these monitoring goals. You may be assured that our Department is fully mindful of the nutrition information needs of data users and intends to continue those efforts necessary to meet these needs.

The Office of Management and Budget advises that there are no objections to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. LYNG.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause (2)(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority or new or increased tax expenditures) are not considered applicable. The estimate and comparison prepared by the Director of the Congressional Budget Office under clause (2)(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the

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Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 6, 1986.

Hon. E. (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared a cost estimate for H.R. 2436, the National Nutrition Monitoring and Related Research Act of 1986 as ordered reported by the House Committee on Agriculture on June 5, 1986. CBO estimates the cost to the federal government of this bill could be about $250,000 in fiscal year 1987. The budgets of state and local governments would not be affected by enactment of this legislation.

H.R. 2436 would establish a ten-year National Nutrition Monitoring and Related Research Program. The bill also establishes guidelines for a comprehensive plan that would coordinate nutrition monitoring activities and research and help set nutrition priorities in the United States.

Most of the costs of establishing and implementing these nutritional activities are not included in this estimate as they are not authorized in the bill. Section 106 of this bill specifically states that authorizations for appropriations for establishing and carrying out the coordinated program shall be subject to future authorization actions. This applies to funds needed for the fiscal year in which the final comprehensive plan is submitted to the President (most likely 1988), and for nine succeeding fiscal years.

However, according to the timetable set out in the bill, some costs of establishing and implementing the coordinated program may be incurred in fiscal year 1987. These costs have been included in the estimate. Under the bill, the Secretaries of Agriculture and of Health and Human Services could appoint a full-time Administrator of Nutrition Monitoring and Related Research within four months of enactment. Funds for the salary and overhead for the administrator and additional staff would be needed in fiscal year 1987. We estimate the costs for the administrator and two additional staff workers to be about $250,000. Subsequent authorizations actions would be required under Section 106 of the bill to pay for salary and overhead in future years.

It is expected that Title III of the bill relating to dietary guidelines would result in no significant cost to the federal government.

Please call me or have your staff contact Carmela Dyer (226-2820) if you have further questions.

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R.

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2436, as amended, will have no inflationary impact on the national economy.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 2436, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of Rule X of the Rules of the House of Representatives.

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